KNOWING MEETINGS INSIDE AND OUT

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GOALS OF A WELL RUN MEETING...

It’s not that the decision you make must be correct, but each decision you make must be correctly made.

- To facilitate the transaction of business
- To promote cooperation and harmony
- To ensure that all members have equal rights, privileges, and obligations
- Ensure the majority has the right to decide, but the minority has rights which must be protected as well
- Rules that limit, guide and protect the individual
- Protect the rights of the minority
TYPES OF MEETINGS

- Elected Board
- Board of Adjustment
- Planning Commission
Before the Meeting

- Establish By-Laws
- Establish Quorum
- Prepare Agenda
FORMAT

• Model Agenda

  • Call Meeting to Order
  • Approval of Minutes
  • Items to be added to the Agenda by Board of Staff
  • Notification by Property Owner of Intent to Address the Board on Open
  • Approval of Agenda
  • Disclosure of Conflicts/Ex parte Communication
  • Appeals/Conditional Uses/Variances (New Business)
  • Open
  • Matters for Board Discussion
  • Staff Report
  • Adjourn
FORMAT

• Before the Meeting:
  • Create separate agendas
    • Clearly adjourn from Board of Adjustment, then open Planning Commission
  • Publish public notice on conditional uses, variances and appeals at least 10 days prior to meeting
  • Send letters (notice) to adjacent landowners for specified requests at least 10 days prior to meeting
  • Post signs on property at least 10 days prior to meeting
  • Application material is a matter of public record
    • SDCL 1-27-1.16 Staff reports or other information submitted for the record should be available to the public 24 hours prior to the meeting or upon distribution to the Board whichever is later.
FORMAT

- At the Meeting
  - Call Meeting to order
  - Explain key rules of conduct
    - In the form of a declaration by the chairman or staff
    - A powerpoint slide, handout, or poster identifying procedure

**Procedure**
- Motion to approve request
- Staff Report
- Public Hearing
  - For Request
  - Opposed to Request
- Votes to approve request (“no” is a vote for denial)

**Rules**
- 7 member board
- Decides Conditional Uses, Variances, and Administrative Reviews
- 2/3 majority vote of full membership (5 votes) required for approval regardless of attendance

**Addressing Board**
- State your name
- Address questions to the Board not the applicant.
• At the Meeting (continued)

  • Address one item at a time
    • Can be listed as “Jim Smith’s Application” but address each variance and conditional use with separate motions.
    • Example (Gravel pit attempting to mine up to the right of way)

  • Motion to Approve (before any discussion)
    • Motion ALWAYS in the affirmative.
    • “Jim Smith has an application to __________. I need a motion to approve the request before I can open the public hearing on this matter.”

  • Review of request by staff
    • Where and what is the request?
    • How is the request related to your ordinance/Comp Plan? Why couldn’t staff approve this?
    • What is the history of the board regarding similar requests?
FORMAT: DECISION PROCESS

• At the Meeting (continued)

  • Open Public Hearing
    • Allow applicant testimony
    • Allow proponent testimony
    • Allow opponent testimony
    • ALL COMMENTS ARE DIRECTED TO THE BOARD, the Board will ask questions following testimony
  • Close Public Hearing
  • Board Discussion
    • Discuss testimony and ask questions of staff, applicant, proponents, opponents
    • Make amendments/specify conditions and findings
  • Vote
    • Requires 2/3 majority of full board for variances and administrative decisions
    • Requires 2/3 majority of members present and voting for conditional uses
FORMAT: DECISION PROCESS

• After the Meeting
  • Staff Drafts Minutes
    • Available for review for public 10 days after the meeting
  • Findings of Fact filed
    • Include in minutes
    • Prepare and send letter of notification
  • Letter of Assurance Prepared (if applicable)
    • Require to be signed/agreed to within 30 days of drafting of the LOA
    • Record at Register of Deeds or file with permit
  • Board of Adjustment Approves Minute
Parliamentary Procedure Primer

ROBERT’S RULES OF ORDER NEWLY REVISED
10th EDITION
HENRY M. ROBERT III, WILLIAM J. EVANS
DANIEL H. HONEMANN, THOMAS J. BALCH

THE OFFICIAL AND AUTHORIZED EDITION OF THE CLASSIC WORK ON PARLIAMENTARY PROCEDURE
Parliamentary Procedure Overview

- A detailed review of rules on how to make rules
  - Types of Motions
  - How to make motions
  - Questions that nobody seems to know the answer to
    - “We just do this…”
Classes of Motions

- **Main Motions**
  - A proposal that the Board take a certain action or an expression of certain views
  - “I move that…” EQUALS “I propose that…”
  - Made in the affirmative
  - Made before discussion on the item

- Motions that bring a Question back before the Board

- **Incidental Motions**

- **Subsidiary Motions**

- **Privileged Motions**
How to make a motion

- **What is a Main motion?**
  - A proposal that the Board take a certain action or an expression of certain views
  - “I move that…” EQUALS “I propose that…”

- **How to address a Main motion**
  - Made in the affirmative
  - Made **before** discussion on the item
  - After a second the Chair should restate or ask for the motion to be restated
  - Debate (limited to immediately pending question including subsidiary/incidental motions)
    - Staff
    - Public Hearing
    - Board Discussion
      - Typically the time for Incidental and Subsidiary Motions
Classes of Motions

- Subsidiary motions
  - A motion that is made in an attempt to compel an action by the Board relating to a question OTHER than voting directly on the main motion.
  - Huh????????
    - Lay on table
    - Postpone
    - Limit debate
    - Refer to committee
    - Amend
    - Previous Question/Call the Question
  - Think you know when to use these?
Table or Postpone

Motion to Table
- Temporarily delays the pain until you’re ready for it
- Not debatable
- Can require 2/3 majority (Must specify in by-laws)
- When should I?
  - More urgent matters to discuss
  - We will come back to it later this session (meeting)
  - Not to replace calling the question (see next slide)

Motion to Postpone
- Tells everyone when you will deal with the pain
- Debatable
- Majority vote
- When should I?
  - Not prepared to handle at this time AND will run out of time at this session
  - Only postponed within or to next session
  - Can specify whether the item will take precedence, or at what time the item will be taken up
Previous Question

[Calling the Question]

- Calls for a vote on the matter being discussed
  - Can be made for all amendments and other subsidiary motions at the same time

- Crying “Uncle!”

- Not debatable

- Requires 2/3 majority
  - Don’t forget to vote to vote!!

- When should I?
  - To close debate
  - After a public hearing
    - Warns debate nearly over (as part of by-laws.)
AMENDMENTS

Motions which can be amended

To adjourn (except when it is qualified, or when made in an assembly with no provision for a future meeting)

Call for the orders of the day

To grant leave to speak after indecorum

A request of any kind

Question of order, and appeal

To take up a question out of its proper order

Call for a division of the assembly

To suspend the rules

To grant leave to withdraw a motion

To lay on the table

The previous question

To take from the table

To postpone indefinitely

To reconsider

To amend an amendment

To fill a blank

A nomination
Amend or Substitute

- Motion to Amend
  - Suggest a change to the current question
  - Debatable
  - Requires simple majority vote
  - When should I?
    - Feel there is an error in the language of the motion
      - Form or substance
      - Feel there is an error in the language of the motion
    - The main motion is fine, but needs addition or subtraction
    - What if it fails?
      - Main motion remains as originally proposed

- Substitute Motion
  - “I have a better idea”
  - Can be made by any member
  - Same rules of vote/debate as original main motion
  - When should I?
    - A motion needs to be overhauled
      - After debate or other discussion
    - What if it fails?
      - The original main motion is back on the table
Other Popular Motions: Reconsider

- Brings a decided matter back before the Board
  - *It can be made only on the day the vote to be reconsidered was taken, or on the next succeeding day, a legal holiday or a recess not being counted as a day. It must be made by one who voted with the prevailing side. Not debatable/amendable*
  - *Many have read the above to mean that a decision can be reconsidered at the next MEETING*

- Motion by member of prevailing side/anyone can second it
  - Usually debatable

- When should I?
  - Change a vote/reconsider information
    - Troubling consequences
Other Popular Motions:

Point of Order

- Someone messed up
- Used to point out mistake (typically by chair) in enforcement of rules
- Decided by the chair
- May be appealed to the Board as a whole
  - May be debated at that time
  - Chair may submit the point to the Board without deciding.
Other Popular Motions: Division of the Question

- Break the Motion into parts
  - Not allowed when considering inter-related topics/rules/by-laws
- Not debatable/amendable
- Simple Majority
- When should I?
  - If a motion is too complex to address altogether
    - Should lead to amendment/handle as amendment as an
  - Practical example:
    - Amendment to a permit is proposed which would add 2 or more conditions
Helpful Links

- http://www.rulesonline.com
- www.parlipro.org
- http://diphi.web.unc.edu/files/2012/02/MSG-ROBERTS_RULES_CHEAT_SHEET.pdf
Thank You!

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